

**REMARKS**

Claims 1-5, 7-16 and 18-27 are pending in this application. By this Amendment, claims 2 and 11-13 are amended for clarity.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the amendments: a) place the application in condition for allowance for the reasons set forth below; b) do not raise any new reasons that require further search and/or consideration; and c) place the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments are merely to make the claims consistent in form. Entry is proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-5, 7-16, 18-27 under 35 U.S.C. §103(a) over U.S. Patent 5,452,397 to Ittycheriah et al. (hereafter Ittycheriah) in view of Patent 5,167,004 to Netsch et al. (hereafter Netsch). The rejection is respectfully traversed.

Independent claim 1 recites comparing the similarity of the retrieved word with the similarity reference value to report a voice recognition failure when the compared result is below the reference value, and to report a voice recognition success and perform the command corresponding to the recognized word when the compared result is at least the reference value. Independent claim 1 further recites modifying the reference voice model based on the characteristics of the voice data which succeeded in the voice recognition.

Ittycheriah and Netsch do not teach or suggest all of the features of independent claim 1. The Office Action appears to reference Ittycheriah's Figure 3 and 6 and column 6, lines 40-67

for features relating to “comparing the similarity of a retrieved word . . . similarity reference . . . report a voice recognition failure . . . report a voice recognition success . . . reference value”. However, Figure 3 relates to an update process and Figure 6 illustrates the system. Furthermore, column 6, lines 40-67 relates to various circuitry relating to the vocabulary list. This circuitry may assign probability and/or play a message stating that the first-received phrase is similar to at least one of the other phrases. At no point in this discussion is there any discussion regarding reporting a voice recognition success and to perform the command corresponding to the recognized word when the compared result is at least the reference value. In other words, the sections cited in Ittycheriah relate to an update process and not to any type of command performance (i.e., perform the command corresponding to the recognized word).

The Office Action then states that Ittycheriah does not explicitly teach updating the model after a successful recognition. The Office Action then relies on Netsch’s col. 4, lines 64-69 as teaching updating the model after a successful recognition. However, Netsch does not teach or suggest the features of independent claim 1 missing from Ittycheriah. That is, Netsch does not teach or suggest to report a voice recognition success and to perform the command corresponding to the recognized word when the compared result is at least the reference value.

The Office Action in addressing independent claim 1 does not address the features of claim 1 relating to “to report a voice recognition success and perform the command corresponding to the recognized word when the compared result is at least the reference value.” The Office Action appears to state on the bottom of page 4 that the block 42 (FIG. 3)

corresponds to both a failure condition and a successful attempt. This does not make any sense since claim 1 states the voice recognition failure when the compared result is below the reference value and the voice recognition success when the compared result is at least the reference value. Still further, claim 1 clearly states to “perform the command corresponding to the recognized word.” Despite applicant’s previous arguments, the Office Action still has not addressed these specifically claimed features (especially with regard to a voice recognition success). Thus, the Office Action fails to make a prima facie case of obviousness and the outstanding rejection should be withdrawn.

Additionally, Ittycheriah relates to a voice recognition system in which the disclosed arrangements attempt to prevent the entry of confusingly similar phrases in a vocabulary list. The cited sections of Ittycheriah clearly relate to an updating process (of a list of phrases such as the name “Bob Johnson”). If an alleged voice recognition success is determined such as the YES branch of block 38 (FIG. 3), then the user is instructed that a similar phrase exists on the list and the user is provided with instructions. See block 42. This does not teach or suggest “to report a voice recognition success and perform the command corresponding to the recognized word” as recited in independent claim 1. Rather, Ittycheriah’s alleged success actually is an indication that a similarly confusing phrase may be on the list. This differs from the present application in which a voice recognition success allows a command to be executed (to carry out the recognized command). The determination of a confusingly similar phrase in Ittycheriah means that other events are performed by the user so as to determine which phrase should be

“on the list.” Applicant respectfully submit that the cited section of Ittycheriah relates to an updating process and does not relate to a determination of a voice recognition success and the performance of a command corresponding to the recognized word. Netsch teaches producing an updated set of speech reference models at col. 4, lines 64-68. However, this does not teach or suggest “to report a voice recognition success and perform the command corresponding to the recognized word”. For at least the reasons set forth above, independent claim 1 defines patentable subject matter.

Each of independent claims 3, 7 and 24 define patentable subject matter for at least similar reasons. Applicant respectfully submits that each of these claims recites features in different claim terminology. Therefore, each of these claims stands and falls separately from one another. For example, independent claim 3 recites performing an operation based on the received voice data and associated with the reference voice model upon success of the voice detection. Furthermore, independent claim 7 recites executing a command associated with the reference voice model upon a positive correspondence of the reference voice model and the voice data from the user. Still further, independent claim 24 recites performing a command based on the received user voice and corresponding to the retrieved word when the compared result is at least a reference value. Independent claim 24 further recites modifying the reference voice model based on the characteristics of the user voice. Ittycheriah and Netsch do not teach or suggest these features. Accordingly, each of independent claims 3, 7 and 24 defines patentable subject matter at least for this reason.

Accordingly, each of independent claims 1, 3, 7 and 24 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter for at least similar reasons. In addition, the dependent claims also recite features that further and independently distinguish over the applied references.

For example, dependent claim 18 recites performing the command begins at least prior to modifying the reference voice model. See also dependent claims 21, 23 and 27 each using different claim language. Thus, each of these claims stands and falls separately from one another. In addressing claims 18-23, the Office Action alleges Ittycheriah's col. 3, lines 30-35 teaches "command performance prior to modification." The Office Action does state that this occurs when there is no problem with the input speech. Applicant believes that the Examiner is asserting that the command performance occurs "when there is no other confusingly similar words in the list." However, claim 1 (from which claim 18 depends) recites "to report a voice recognition success and perform the command corresponding to the recognized word when the compared result is at least the reference value" and claim 18 recites "performing the command begins at least prior to modifying the reference voice model." Ittycheriah does not suggest in any way to "determine a confusingly similar phrase on the list" and to perform a command corresponding to "the confusingly similar phrase" prior to updating the list. In other words, when Ittycheriah allegedly obtains a success (block 42 in FIG. 3), there is no "perform the command corresponding to the recognized word."

The Office Action references another section of Ittycheriah (i.e., col. 3, lines 32-35) and attempted to combine that section with Ittycheriah's updating process (i.e., FIG. 3). There is no suggestion to modify Ittycheriah's update process since modifying FIG. 3 as alleged in the Office Action (with respect to claims 18-23) destroys the express purpose of Ittycheriah which is to prevent the entry of confusingly similar phrases in a list. See the Abstract, lines 1-2; and col. 3, lines 45-48. Ittycheriah and Netsch do not teach or suggest these features of dependent claim 18, 21, 23 and 27 in combination with the other features of their corresponding independent claims.

Additionally, dependent claim 19 recites that performing the operation associated with the reference voice model comprises performing a command associated with the detected characteristics of voice data when the comparing is successful. Additionally, dependent claim 20 (and similarly dependent claim 22) recites that the command corresponds to a recognized word of the voice data from the user. Ittycheriah and Netsch do not teach or suggest these features

For at least reasons set forth above, each of claims 1-5, 7-16 and 18-27 defines patentable subject matter. Withdrawal of the outstanding rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-5, 7-16 and 18-27 are earnestly solicited. If the Examiner believes that any additional changes would place the

Serial No. 09/729,768

Docket No. HI-0029

Reply to Office Action dated February 7, 2005

application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David C. Oren**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**Date: June 7, 2005**

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